

AN ORDINANCE 2006-06-08-0681

**APPROVING A TOTAL OF \$82,422.65, TO INCLUDE A \$73,111.50 AMENDMENT TO A \$498,158.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH HOYT CONSULTING ENGINEERS, INC. FOR FINAL DESIGN PHASE PLANS AND DESIGN SERVICES THROUGH THE BIDDING AND CONSTRUCTION PHASES, IN CONNECTION WITH THE EL MONTE PHASE I AND III – BLANCO TO SAN PEDRO PROJECT LOCATED IN DISTRICT 1, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT; AND APPROPRIATING FUNDS FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDS.**

\* \* \* \* \*

**WHEREAS**, the City Council has approved the use of U.S. Department of Housing and Urban Development ("HUD") 108 Loan Program funds for the El Monte Phase I and III – Blanco to San Pedro Project (the "Project"), located in District 1; and

**WHEREAS**, by Ordinance No. 81848, passed and approved on March 16, 1995, the City Council authorized a professional services agreement with Hoyt Consulting Engineers, Inc. for engineering services; and

**WHEREAS**, in connection with said Project, there exists a need for final design phase plans and design services through the bidding and construction phases; and

**WHEREAS**, it is the City Council's intention to authorize the amendment of the professional services agreement with Hoyt Consulting Engineers, Inc. for performance of such additional services; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The sum of \$73,111.50, representing costs for additional engineering services is hereby authorized to be paid to Hoyt Consulting Engineers, Inc. in connection with the El Monte Phase I and III – Blanco to San Pedro Project. In this regard, the professional services agreement with Hoyt Consulting Engineers, Inc., authorized by Ordinance No. 81848, passed and approved on March 16, 1995, is hereby authorized to be amended to reflect the additional services and costs therefor. The City Manager or her designee is hereby authorized to execute said amendment, a copy of which is in substantially final form and attached hereto and incorporated herein for all purposes as Attachment I.

**SECTION 2.** The appropriation and allocation of U.S. Department of Housing and Urban Development (HUD) 108 Loan Program funds in the amount of \$82,422.65 in connection with the El Monte Phase I and III – Blanco to San Pedro Project is hereby approved.

**SECTION 3.** Fund Number 27040000 entitled "Department HUD 108 Capital Program" and Internal Order 13100001322 entitled "El Monte Blvd. (Blanco to San Pedro Project)," are hereby designated for use in the accounting for the fiscal transaction of this Project.

**SECTION 4.** The sum of \$82,422.65 is hereby appropriated in the above designated fund and will be transferred from Fund Number 27040000, GL Account # 6102100 entitled "Interfund Transfer Out" to Fund Number 28029000 entitled "CDBG 29<sup>th</sup> Year," GL Account # 6101100 entitled "Interfund Transfers In" and will be allocated as follows:

<u>WBS NO.</u>	<u>WBS NAME</u>	<u>G/L NO.</u>	<u>G/L NAME</u>	<u>APPROPRIATION</u>
23-01012-01-02	Design Cost	5201170	Engineering Fees	\$73,111.50
23-01012-05-06	Project Contingency	5201140	Construction Cost	\$7,311.15
23-1012-05-01	Advertising	5201150	Advertising	\$2,000.00
<b>TOTALS</b>				<b>\$82,442.65</b>

**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, SAP GL Account Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** This Ordinance shall become effective on and after the 18<sup>th</sup> day of June, 2006.


**PASSED AND APPROVED** this 8<sup>th</sup> day of June, 2006.

  
MAYOR

**ATTEST:**

**PHIL HARDBERGER**

  
City Clerk

**APPROVED AS TO FORM:**   
for City Attorney

**ATTACHMENT I**  
**AMENDMENT TO**  
**PROFESSIONAL SERVICES AGREEMENT**  
**ENGINEERING SERVICES**

Pursuant to paragraph numbered XVI of the Professional Services Agreement for the N. Flores/Breeden/Beacon Drainage Outfall Project (the "Agreement") made and entered on April 19, 1995 by and between the City of San Antonio, a Texas municipal corporation (hereinafter referred to as "CITY") and Hoyt Consulting Engineers, Inc. (hereinafter referred to as "CONSULTANT"), the undersigned hereby agree to amendment of said Agreement as herein set forth:

1. Section II of the Agreement, relating to services to be performed is hereby amended to include final design phase plans and design services through the bidding and construction phases in accordance with the proposal for said services submitted by the CONSULTANT and in connection with the El Monte Phase I and III – Blanco to San Pedro Project, the scope of which has been authorized for inclusion within the N. Flores/Breeden/Beacon Drainage Outfall Project.
2. Exhibit 1 of the Agreement, entitled "COMPENSATION FOR PROFESSIONAL SERVICES," is hereby amended to add the sum of \$73,111.50 to the fee for the CONSULTANT's work, for a total sum of \$571,269.50, which total sum includes additional amounts approved by prior City Council action(s).
3. This amendment to the Agreement shall not prejudice any present or future rights, remedies, benefits, or powers belonging or accruing to CITY under the terms of the Agreement herein amended.
4. Except as provided otherwise herein, the Agreement shall remain unaffected, unchanged, and unimpaired by reason of the foregoing amendments.

Amendment AGREED TO this the \_\_\_\_ day of \_\_\_\_\_, 2006.

**CITY OF SAN ANTONIO, A TEXAS**  
**MUNICIPAL CORPORATION:**

**CONSULTANT:**

By: \_\_\_\_\_  
Title: City Manager

HOYT CONSULTING ENGINEERS, INC.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**APPROVED AS TO FORM:** \_\_\_\_\_  
Assistant City Attorney

Agenda item #10

**CITY OF SAN ANTONIO  
PUBLIC WORKS DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Sheryl Sculley, City Manager  
**FROM:** Thomas G. Wendorf, P.E., Director of Public Works  
**SUBJECT:** El Monte Phase I and III – Blanco to San Pedro  
**DATE:** June 8, 2006

**SUMMARY AND RECOMMENDATIONS**

An ordinance accepting a proposal and amending an existing professional engineering services agreement in the amount of \$73,111.50, payable to Hoyt Consulting Engineers, Inc., authorizes \$7,311.15 for Project Contingency, and authorizes \$2,000.00 for the construction phase advertising costs for a total ordinance amount of \$82,422.65, to be appropriated from Housing and Urban Development (HUD) 108 Loan Program funds, in connection with the El Monte Phase I and III – Blanco to San Pedro project, an authorized 2003-2007 General Obligation Street Improvement Bond project, located in Council District 1.

The professional services agreement for this project was approved by City Council on March 16, 1995 through Ordinance No. 81848 and initially authorized \$50,000.00 for professional engineering services. Subsequent amendments have increased the amount of this agreement to \$498,158.00. This ordinance will increase the total agreement amount to \$571,269.50. This item represents a portion of a total estimated project cost of \$2,902,506.00.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

This project provides for the reconstruction of El Monte from San Pedro to North Flores (Phase I) and from North Flores to Blanco (Phase III) and includes curbs, sidewalks, wheelchair ramps, driveway approaches, and a drainage system. The street will be designed to a standard residential street width of 30 feet (2 lanes) and 4-foot sidewalks against the curb. Phase II of this project has already been completed. The original fee for this project provided design services through Phase B as the project was not yet funded for construction.

This professional services agreement was originally approved by City Council on March 16, 1995 through Ordinance No. 81848 and initially authorized \$50,000.00 for services related to the Flores/Breeden/Beacon Outfall project. On March 16, 2000, Ordinance No. 91422 authorized the extension of the scope of the Flores/Breeden/Beacon project to include the El Monte from Flores to San Pedro project. By concurrently designing both projects the City was able to save time, advertising costs and reduced construction costs. Subsequently, the El Monte from Flores to San Pedro project was divided into three phases. Phase I would provide for the reconstruction of the intersection of North Flores at El Monte & El Monte from North Flores to San Pedro. Phase II of the project would provide for the reconstruction of North Flores from El Monte to La

Manda. Phase III would include the reconstruction of El Monte from Blanco to North Flores. This ordinance will bring the El Monte – Blanco to San Pedro Phase I and III plans through the Final Design phase and will provide for the remaining design services through the bidding phase and construction phase services. Subsequent action has increased the contract amount to \$498,158.00. This ordinance will increase the total amount approved for this contract to \$571,269.50. Phase I and III project construction is anticipated to begin in October 2006 and to be completed in October 2007.

### **POLICY ANALYSIS**

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 2003-2007 General Obligation Street Improvement Bond projects.

### **FISCAL IMPACT**

This is a one-time capital improvement expenditure within budget and included in the FY 06-11 Capital Improvement Program Budget. Funds in the amount of \$82,422.65 are available from Housing and Urban Development (HUD) 108 Loan Program funds and are authorized to be appropriated and payable follows:

\$ 73,111.50	payable to Hoyt Consulting Engineers, Inc. for professional engineering services
\$ 7,311.15	for Project Contingency
\$ 2,000.00	for advertising expenses

### **COORDINATION**

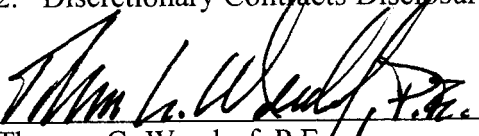
This request for ordinance has been coordinated with the Office of Management and Budget and the Finance Department.

### **SUPPLEMENTARY COMMENTS**

The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

## ATTACHMENTS

1. Project Map
2. Discretionary Contracts Disclosure Form

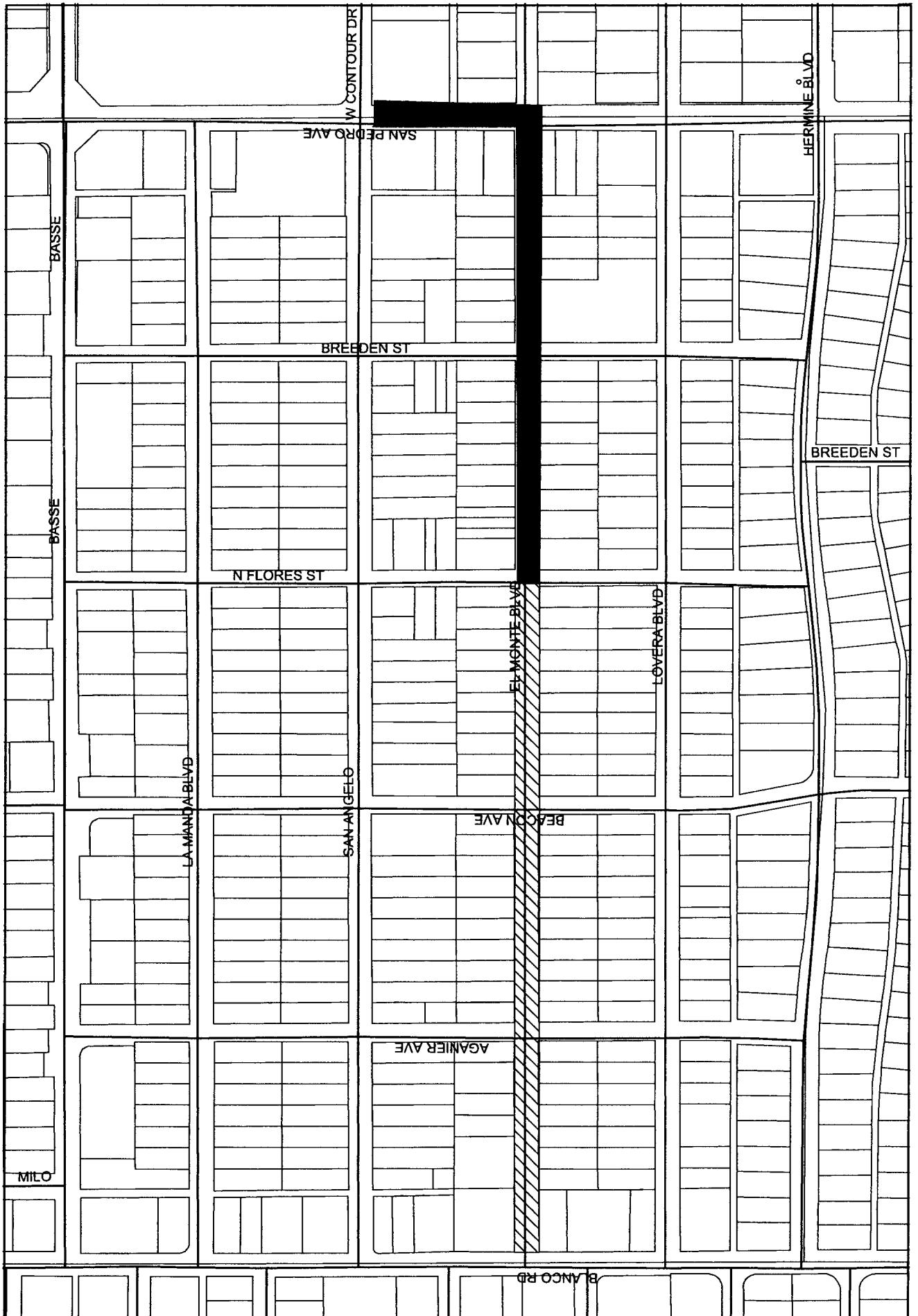
  
Thomas G. Wendorf, P.E.  
Director of Public Works  
Jelynn LeBlanc Burley  
Deputy City Manager

Approved for Council Consideration:

  
Sheryl Sculley  
City Manager



# EL MONTE - BLANCO TO SAN PEDRO PHASE I & III



## City of San Antonio Discretionary Contracts Disclosure

For use of this form, see

Attach additional sheets if space provided is not sufficient.

(1) Identify any individual or business entity<sup>1</sup> that is a **party** to the discretionary contract:

HOYT CONSULTING ENGINEERS, INC.

(2) Identify any individual or business entity which is a **partner, parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☒ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☒ No subcontractor(s); or

List subcontractors:

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

<sup>1</sup> A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law. A sole proprietor should list the name of the individual and the d/b/a, if any.



(6) Disclosures in Proposals

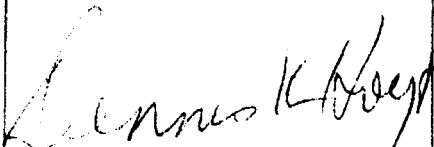
Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate , ("conflicts of interest") by participating in official action relating to the discretionary contract.

☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed, whichever occurs first.

Signature:



Title:

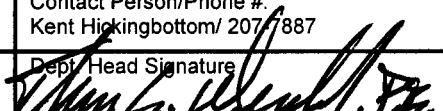
Company or D/B/A:  
HOYT CONSULTING  
ENGINEERS, INC.

Date:

4/3/06

<sup>2</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO	Request For Ordinance/Resolution	Consent <input type="checkbox"/> Individual <input type="checkbox"/> Item No. <b>10</b> Ord. No.
Approval				
Finance	Budget			
Legal	Coordinator			

Date: April 26, 2006	Department: Public Works	Contact Person/Phone #: Kent Hickingbottom/ 207-7887
Date Council Consideration Requested June 8, 2006	Deadline for Action: ASAP	Dept. Head Signature 

### SUMMARY OF ORDINANCE

#### El Monte Phase I and III – Blanco to San Pedro

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Staff recommends approval of this ordinance.

Council Memorandum Must be Attached To Original

Other Depts., Boards, Committees Involved (please specify):  
The Finance Department and the Office of Management and Budget.

Contract signed by other party: Yes ☐ No ☐

#### FISCAL DATA (If Applicable) See Attached Fiscal Data Sheet

Amount Expended		Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/> Positions Currently Authorized Yes <input type="checkbox"/> No <input type="checkbox"/> Impact on future O & M If positions added, specify Class and Job No.
Fund	SAP GL Account	
*Cost Center		
*Internal Order No.	*WBS (Capital Proj.)	
*(Fill out only the field that is appropriate to your council action.)		
Comments:		Please submit 3 copies with your original
Public Works Department Staff Review:		Division Head:
Fiscal Planning Manager:		
City Engineer:		Executive Assistant: